

U.S. Application No.: 10/019,355

Group Art Unit No.: 1625

**Amendment to the Claims:**

This listing of claims will replace all prior versions and listing of claims in the application:

Claims 1-12: Cancelled.

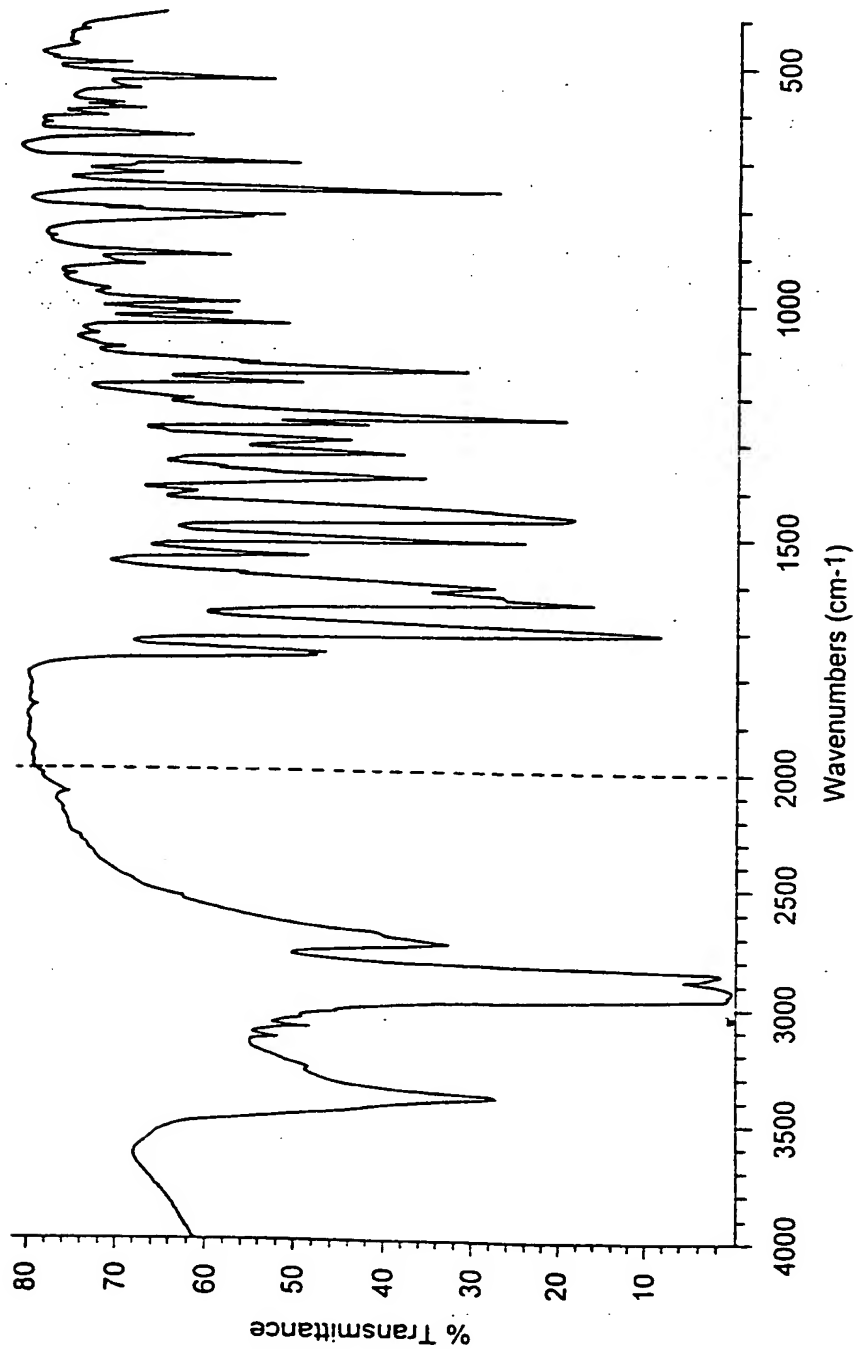
Claim 13 (Previously presented): A compound, 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione, hydrochloride dihydrate, wherein said compound provides at least one of:

- (i) an infrared spectrum containing peaks at 3392, 2739, 1751, 1325 and 713  $\text{cm}^{-1}$ ; and
- (ii) an X-ray powder diffraction pattern containing peaks at 9.1, 12.0, 15.7, 16.3 and 19.8  $^{\circ}2\theta$ .

Claim 14 (Previously presented): A compound according to claim 13, which provides the X-ray powder diffraction pattern containing peaks at 9.1, 12.0, 15.7, 16.3 and 19.8  $^{\circ}2\theta$ .

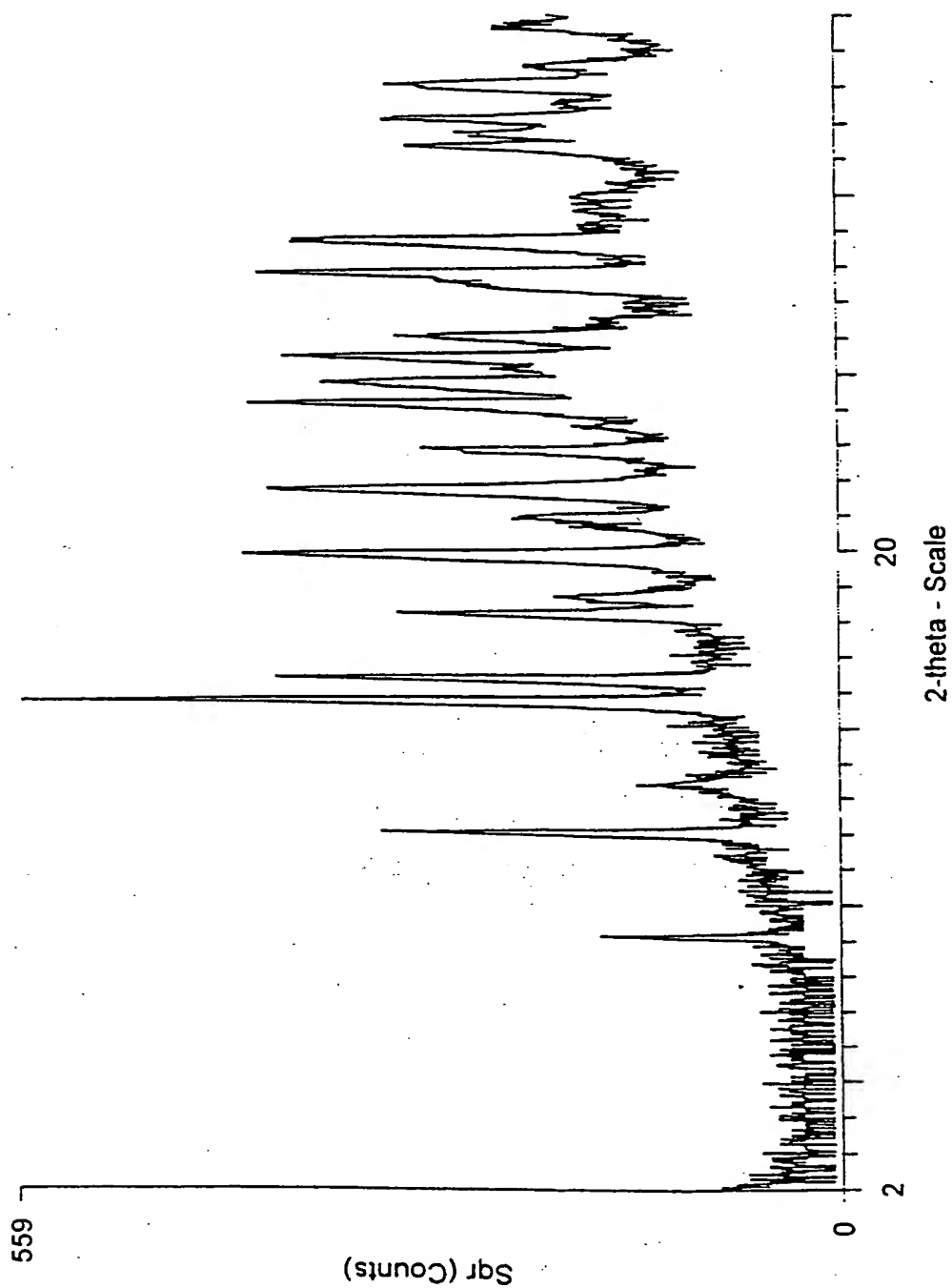
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Claim 15 (Currently Amended): A compound according to claim 13, which in a mineral oil dispersion provides an infra red spectrum substantially in accordance with Figure I the following figure:



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Claim 16 (Currently Amended): A compound according to claim 13, which provides an X-ray powder diffraction pattern substantially in accordance with ~~Figure H~~ the following figure:



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Claim 17 (Previously presented): A compound according to claim 13, in isolated form.

Claim 18 (Currently Amended): A process for preparing a compound according to claim 13, comprising treating 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione with a source of hydrochloride counterion and ~~an appropriate amount of~~ water for formation of 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione, hydrochloride dihydrate.

Claim 19 (Previously presented): The process according to claim 18, further comprising the step of recovering said 5-[4-[2-(N-methyl-N-(2-pyridyl)amino)ethoxy]benzyl]thiazolidine-2,4-dione, hydrochloride dihydrate.

Claim 20 (Previously presented): A pharmaceutical composition comprising an effective, non-toxic amount of the compound according to claim 13 and a pharmaceutically acceptable carrier therefor.

Claim 21 (Previously presented): A pharmaceutical composition consisting essentially of an effective, non-toxic amount of the compound according to claim 13 and a pharmaceutically acceptable carrier therefor.

Claim 22 (Previously presented): A method for the treatment or prophylaxis of diabetes mellitus, conditions associated with diabetes mellitus and complications thereof, in a human or non-human mammal which comprises administering an effective, non-toxic, amount of the compound according to claim 13 to a human or non-human mammal in need thereof.

Claim 23 (Previously presented): A method for the treatment of Type II diabetes mellitus in a human or non-human mammal which comprises administering an effective, non-toxic, amount of the compound according to claim 13 to a human or non-human mammal in need thereof.

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Claim 24 (New): A tablet or capsule comprising an effective, non-toxic amount of the compound according to claim 13 and a pharmaceutically acceptable carrier therefor.

Claim 25 (New): A tablet or capsule consisting essentially of an effective, non-toxic amount of the compound according to claim 13 and a pharmaceutically acceptable carrier therefor.